REMARKS:

Claims 1-29 remain in the application for consideration of the Examiner.

Reconsideration and withdrawal of the outstanding rejections is respectfully requested in light of the above amendments and following remarks.

REJECTION UNDER 35 U.S.C. § 112:

Claims 9-12 and 24-29 were rejected under 35 U.S.C. § 112. The Office Action indicates that the rejection is based on a lack of antecedent basis for "the event container and the action container."

By this Amendment, claim 9 has been amended to correct the antecedency error associated with "the event container" by adding a recitation of "an event container." Claim 9 has also been amended to delete the recitation of "the action container." It is respectfully submitted that these amendments are sufficient for correcting the noted antecedency error.

Accordingly, it is respectfully submitted that claims 9-12 and 24-29 are in compliance with the requirements of 35 U.S.C. § 112. It is therefore respectfully requested that the rejection of claims 9-12 and 24-29 under § 112 be reconsidered and withdrawn.

REJECTION UNDER 35 U.S.C. § 103:

Claims 1-29 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent 6,285,989 to Shoham ("Shoham") in view of a document titled "Active and Real-time Functionalities for Electronic Brokerage Design" by M. Beck, et al ("Beck").

This rejection is respectfully traversed.

Claim 1 has been amended to recite:

> wherein each event is defined to expire within a respective selected time period if unused, and
> wherein each specified event is stored in the event container only

until a first of the condition instance initiating the specified event or expiration of the specified event.

Thus, claim 1, as amended, requires that each event be defined to expire within a respective time period if unused. Claims 5 and 9 have been amended to include similar limitations.

It is respectfully submitted that Shoham and Beck fail to disclose or suggest this limitation. For example, both Shoham and Beck are silent with respect to defining each event to expire within a respective time period if unused. Thus, the proposed combination of Shoham and Beck cannot render the claims obvious.

For the reasons set forth herein, the Applicant submits that claims 1-29 are not rendered obvious by the proposed combination of Shoham and Beck. Therefore, the Applicant respectfully requests that the rejection of claims 1-29 be reconsidered and that claims 1-29 be allowed.

The Legal Standard for Obviousness Rejections Under 35 U.S.C. § 103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, there must be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991; *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35.

CONCLUSION:

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

The undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing the Amendment to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

2 SEPT 2005
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